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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,782	08/27/2003	Ken Takayama	OKI 371	4484

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EXAMINER	
LEE, JOHN J	

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,782	TAKAYAMA ET AL.	
	Examiner	Art Unit	
	JOHN J. LEE	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments/Amendment

1. Applicant's arguments/amendments received on August 23, 2006 have been carefully considered but they are not persuasive because the teaching of all the cited reference reads on all the rejected and amended claims as set forth in the pervious rejection. Therefore, the finality of this Office Action is deemed proper.

Contrary to the assertions at pages 7 - 9 of the Arguments, claims 1 and 7 are not patentable.

During examination, the USPTO must give claims their broadest reasonable interpretation.

Re claims 1 and 7: Applicant argues that the teaching of Kim does not teach the claimed invention "a cellular telephone and transmission means for transmitting the TV broadcasting signals". However, The Examiner respectfully disagrees with Applicant's assertion that the teaching of Kim does not teach the claimed invention. Contrary to Applicant's assertion, the Examiner is of the opinion that kim teaches a mobile telephone terminal downloads karaoke data through a portable karaoke device and provides a karaoke service by using radio data transmitting, TV broadcasting network (multimedia signal), Internet and receiving function of a mobile telephone network, and connected with TV receiver (means receiving TV (multimedia) signals) (Fig. 2, 4, column 2, lines 36 – column 3, lines 52, and column 4, lines 17 - 53), regarding the claimed limitation. More specifically, Kim teaches a mobile telephone receives multimedia signals, data

signals, TV broadcasting signals from the karaoke service provider for storing to play the music and data.

Applicant's attention is directed to the rejection below for the reasons as to why this limitation is not patentable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 7 and 13-17** are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al. (US 6,083,009).

Regarding **claim 1**, Kim discloses that a cellular telephone (MS) comprising: conversion means for converting image signals and/or sound signals into TV broadcasting signals and transmission means for transmitting the TV broadcasting signals to a TV receiver (Abstract, column 4 lines 50-63, figure 2 elements 202,208a and 214, where Kim et al. disclose wireless transmission (see figure 2) of lyrics and displaying them on a TV monitor), wherein the cellular telephone has a function of reproducing image signals and/or sound signals, corresponding to execution of a karaoke function and/or a game function (Column 3, lines 21-55).

Regarding **claim 7** Kim discloses that a cellular telephone (MS) comprising: a conversion circuit for converting image signals and/or sound signals into TV

broadcasting signals; and a transmission circuit for transmitting the TV broadcasting signals to a TV receiver (Abstract, column 4, lines 50-63, figure 2 elements 202,208a and 214, where Kim discloses wireless transmission (see figure 2) of lyrics and displaying them on a TV monitor), wherein the cellular telephone has a function of reproducing image signals and/or sound signals, corresponding to execution of a karaoke function and/or a game function (Column 3, lines 21-55).

Regarding **claims 13 and 14**, Kim teaches that communicating with a base station during a telephone call (Fig. 2, 4 and column 2, lines 36 – column 3, lines 52, where teaches mobile telephone terminal communicates with base station for telephone call).

Regarding **claims 15 and 17**, Kim teaches all the limitation as discussed in claims 1 and 13. Furthermore, Kim further teaches that using the microphone during the telephone call (Fig. 2, 4 and column 2, lines 36 – column 3, lines 52, where teaches mobile telephone terminal inherently has microphone for using the telephone call). Kim teaches that storing karaoke musical piece data received by the cellular telephone via base station (Fig. 2, 4 and column 2, lines 36 – column 3, lines 52, where teaches mobile telephone terminal downloads/receives the karaoke data from base station and another mobile device, and stores the data for executing the play). Kim teaches that converting sound signals generated from the karaoke musical piece data and audio signals sung into microphone, when the person uses the cellular telephone in karaoke mode, into TV broadcasting signals (Fig. 2, 4 and column 4, lines 17 – column 5, lines 62, where teaches converting the karaoke data signals with audio sound signals sung into microphone for playing the music as executing the karaoke mode in mobile telephone).

Regarding **claim 16**, Kim teaches all the limitation as discussed in claims 1 and 13. Furthermore, Kim further teaches that converting image signals generated from the karaoke musical piece data, and including the image signals in the TV broadcasting signals (Fig. 2, 4 and column 4, lines 17 – column 5, lines 62, where teaches converting the karaoke data signals with audio sound signals and image signal, and multimedia signals having image signals (TV broadcasting signals) for displaying in LCD as playing mode).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 4-6 and 10-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Amselem (US 2003/0109219 A1).

Regarding **claims 4, 6, 10 and 12**, Kim et al. discloses all the limitations as applied to claims 1 and 7 above and also disclose means/circuit for mixing (inputting manipulation signals) sound signals received from the cellular telephone while executing the karaoke function or game function (Column 4 lines36-39).

However, Kim does not disclose signals received from at least one other cellular telephone.

Amselem discloses signals received from at least one unit of other cellular

telephones (Abstract, paragraph [0018]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to mix signals received from at least one unit of other cellular telephones as taught by Amselem, in the device of Kim for the purpose of allowing users of the karaoke service to share recordings with friends at different physical locations (as suggested by Amselem in paragraph [0016]).

Regarding **claims 5 and 11**, Kim as modified by Amselem disclose all the limitations as applied to claims 4 and 10 above and also disclose means/circuit for transferring sound signals after the mixing to the at least one other cellular telephone (Abstract,

column 4 lines 50-63, figure 2 elements 202,208a and 214 of Kim et al., where Kim et al. disclose wireless transmission (see figure 2) of lyrics and displaying them on a TV monitor).

6. **Claims 2, 3, 8 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Haino (US 5,770,811).

Regarding **claims 2 and 8**, Kim disclose all the limitations as applied to claims 1 and 7 above and a display size corresponding to the cellular phone (Column 3 lines 50-52).

However, Kim do not specifically disclose wherein the conversion means enlarges a display size of image data to a display size corresponding to a display of the TV receiver.

Haino discloses selecting a display size of image data to a display size corresponding to the TV receiver (Column 7 lines 27-47, column 14 line 63-column 15 line 14).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to enlarge a display size of image data to a display size corresponding to a display of the TV receiver as taught by Haino in the device of Kim in order to provide the user with a larger display of song lyrics, thus making them easier to read and also allowing more people to view the lyrics which would be helpful when more than one person wants to sing along and view the lyrics while singing.

Regarding **claims 3 and 9**, Kim as modified by Haino disclose all the limitations as applied to claims 2 and 8 above and also disclose wherein the conversion means/circuit are implemented so as to correspond to information on image display size, contained in software or data (display information), for executing the karaoke function or the game function (Column 7 lines 27-47, column 14 line 63-column 15 line 14 of Haino).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
Or P.O. Box 1450
Alexandria VA 22313

or faxed (571) 273-8300, (for formal communications intended for entry)

Or: (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters, Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Edward Urban**, can be reached on **(571) 272-7899**. Any inquiry of a general nature or

relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L
November 11, 2006

John J Lee

EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
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